

IN THE UNITED STATES PATENT AND TRADEMARK OFFICESerial No.: **09/ 911,703**

Confirmation No.: 4927

Filed: 25 July 2001

Applicant: Darrell R. ANDERSON et al.

For: Anti-CD20 Antibodies (as amended)

Group Art Unit: 1644

Examiner: R. Schwadron

Mail Stop **Patent Ext.**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT

Sir:

Applicant has reviewed the calculation of patent term adjustment (PTA) for this application on private PAIR and wishes to bring possible discrepancies in the calculation to the Office's attention. A copy of the Office's calculation is attached. The possible discrepancies will not ultimately affect the term of the patent in view of the terminal disclaimer filed on 29 March 2007, which will in effect truncate the PTA.

This paper is filed concurrently with the payment of the issue fee. Applicant believes that no fee is due. However, applicant requests that the Director charge any fee that may be required for entry or consideration of this paper to our Deposit Account 18-1260.

Remarks

Applicant believes that the relevant events for calculating PTA under 37 C.F.R. §§ 1.703 and 1.704 are the following:

Application filed	2001-07-25
Restriction requirement	2003-09-24
Response to restriction requirement	2003-11-25
Letter requiring a corrected sequence listing	2004-02-27
Sequence listing filed	2004-12-15
Non-final rejection	2005-04-07
Response to Office action	2005-08-12
IDS	2005-11-01
Final rejection	2006-12-29
Complete response to final rejection	2007-03-29
Notice of allowance	2008-01-29

The following items appear to be reflected inaccurately in the Office's calculation:

- Between the mailing of the "sequence letter" on 27 February 2004 and the amendment filed on 15 December 2004, applicant filed two sequence listings which the Office found non-compliant. Thus, based on the Office's actions, it appears that the entire interval from 27 May (3 months after the date of the letter) through 15 December 2004 may constitute applicant delay under § 1.704(c)(7). Similarly, the time under § 1.703(a)(2) for the Office to act on the response to the sequence letter should run from 15 December 2004.
- The amendment filed on 12 August 2005 included a new sequence listing. The requirement stated in the "sequence letter" mailed on 2 November 2005 was vacated as improper following a request for reconsideration filed on 2 December 2005 and a petition filed on 28 April 2006. See decision mailed 26 July 2006. Consequently, the entire interval from 12 December 2005 (*i.e.*, 4 months after the complete response filed in August) to the date of the next Office action, 29 December 2006, corresponds to PTO delay under § 1.703(a)(2).
- The paper filed on 22 February 2007 was a request for reconsideration of finality. A complete response on the merits, which included a petition, was filed on 29 March 2007. PAIR indicates that a response was filed on 22 February and that a petition was filed on 29 March.

Taking these elements into account, applicant believes that the PTA is correctly calculated as follows:

Description	Start	End	PTO Delay	Appl. Delay
Mail first action	2002-09-25	2003-09-26	366	
Respond to sequence letter	2004-05-27	2004-12-15		202
Respond to non-final action	2005-07-07	2005-08-12		36
Supplemental response (IDS)	2005-08-12	2005-11-01		81
Mail final Office action	2005-12-12	2006-12-29	382	
Mail notice of allowance	2007-07-29	2008-01-29	184	
Total			922	319

Applicant notes that this application is eligible for "three year" PTA under § 1.703(b).

Applicant also notes that taking into account such PTA, no matter whether the applicant delay under § 1.704 is determined to be 183 days, as shown currently on PAIR, or 319 days, as calculated above, a patent issuing on this application would expire on the statutory expiration date of U.S. Patent No. 5,736,137 (the reference patent identified in the terminal disclaimer filed on 29 March 2007).

Respectfully submitted,

/David L. Fitzgerald/

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15 February 2008

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09/911,703	THERAPEUTIC APPLICATION OF CHIMERIC AND RADIOLABELLED ANTIBODIES TO HUMAN B LYMPHOCYTE RESTRICTED DIFFERENTIATION ANTIGEN FOR TREATMENT OF B CELL LYMPHOMA	02-07-2008::19:12:08
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 09/911,703

Filing or 371(c) Date:	07-25-2001	USPTO Delay (PTO) Delay (days):	885
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	183
Post-Issue Petitions (days):	+0	Total PTA (days):	702
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
01-29-2008	Mail Notice of Allowance	227	
01-24-2008	Document Verification	⚡	
01-24-2008	Notice of Allowance Data Verification Completed	⚡	
01-24-2008	Case Docketed to Examiner in GAU	⚡	
01-04-2008	Mail-Petition Decision - Dismissed	⚡	
01-04-2008	Petition Decision - Dismissed	⚡	
01-04-2008	Filing Receipt - Corrected	⚡	
06-29-2007	Paralegal TD Accepted	⚡	
06-28-2007	Notice of Appeal Filed	⚡	
06-28-2007	Request for Extension of Time - Granted	⚡	
11-21-2003	Information Disclosure Statement considered	⚡	
11-21-2003	Information Disclosure Statement (IDS) Filed	⚡	
03-29-2007	Petition Entered	⚡	
02-22-2007	Date Forwarded to Examiner	⚡	
02-16-2007	Amendment after Final Rejection	⚡	
12-29-2006	Mail Final Rejection (PTOL - 326)	271	
12-26-2006	Final Rejection	⚡	
10-19-2006	Date Forwarded to Examiner	⚡	
08-12-2005	Response after Non-Final Action	⚡	
04-07-2005	Mail Non-Final Rejection	⚡	
04-04-2005	Non-Final Rejection	⚡	
07-26-2006	Mail-Petition Decision - Granted	⚡	
04-28-2006	Petition Entered	⚡	
11-01-2005	Information Disclosure Statement considered	⚡	
09-30-2005	Information Disclosure Statement considered	⚡	
08-12-2005	Information Disclosure Statement considered	⚡	
01-31-2006	Correspondence Address Change	⚡	
02-01-2006	Change in Power of Attorney (May Include Associate POA)	⚡	
11-01-2005	Information Disclosure Statement (IDS) Filed	⚡	
11-01-2005	Information Disclosure Statement (IDS) Filed	⚡	

12-06-2005	Date Forwarded to Examiner		
12-02-2005	Response to a Letter to Comply with the Sequence Rules		
11-02-2005	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)		
10-31-2005	CRF Diskette Unreadable / Did Not Comply / Required but Not Submitted		
09-30-2005	Reference capture on IDS		
09-30-2005	Information Disclosure Statement (IDS) Filed		
09-30-2005	Information Disclosure Statement (IDS) Filed		
08-24-2005	CRF Is Good Technically / Entered into Database		
08-12-2005	New or Additional Drawing Filed		
08-12-2005	Information Disclosure Statement (IDS) Filed		
08-12-2005	Information Disclosure Statement (IDS) Filed		
08-18-2005	Date Forwarded to Examiner		
08-12-2005	Response after Non-Final Action		36
08-12-2005	Request for Extension of Time - Granted		
04-07-2005	Mail Non-Final Rejection	21	
04-04-2005	Non-Final Rejection		
12-30-2004	Date Forwarded to Examiner		
12-15-2004	Supplemental Response		28
12-15-2004	CRF Disk Has Been Received by Preexam / Group / PCT		
12-29-2004	CRF Is Good Technically / Entered into Database		
12-15-2004	Workflow incoming amendment IFW		
11-30-2004	CRF Is Flawed Technically / Not Entered into Database		
11-24-2004	Date Forwarded to Examiner		
11-17-2004	Response to a Letter to Comply with the Sequence Rules		61
11-17-2004	Request for Extension of Time - Granted		
11-17-2004	Workflow incoming amendment IFW		
05-27-2004	Information Disclosure Statement (IDS) Filed		58
05-27-2004	Information Disclosure Statement (IDS) Filed		
06-17-2004	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)		
06-14-2004	CRF Diskette Unreadable / Did Not Comply / Required but Not Submitted		
03-18-2004	Reference capture on IDS		
03-18-2004	Information Disclosure Statement (IDS) Filed		
03-18-2004	Information Disclosure Statement (IDS) Filed		
04-06-2004	Date Forwarded to Examiner		
03-30-2004	Response to a Letter to Comply with the Sequence Rules		
04-05-2004	CRF Is Good Technically / Entered into Database		
02-27-2004	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)		
02-26-2004	CRF Diskette Unreadable / Did Not Comply / Required but		

	Not Submitted	
12-23-2003	IFW Amended case processing Complete	
12-23-2003	Reference capture on IDS	
12-16-2003	Date Forwarded to Examiner	
11-25-2003	Response to Election / Restriction Filed	
11-25-2003	Request for Extension of Time - Granted	
10-21-2003	Reference capture on IDS	
10-21-2003	Information Disclosure Statement (IDS) Filed	
10-21-2003	Information Disclosure Statement (IDS) Filed	
09-26-2003	Mail Restriction Requirement	366
09-24-2003	Requirement for Restriction / Election	🔒
08-20-2003	IFW TSS Processing by Tech Center Complete	🔒
07-18-2003	IFW TSS Processing by Tech Center Complete	🔒
09-05-2002	Correspondence Address Change	🔒
02-06-2002	Oath or Declaration Filed (Including Supplemental)	🔒
07-25-2001	Preliminary Amendment	🔒
03-09-2002	Case Docketed to Examiner in GAU	🔒
02-22-2002	Application Dispatched from OIPE	🔒
02-21-2002	Application Is Now Complete	🔒
02-06-2002	Additional Application Filing Fees	🔒
02-06-2002	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	🔒
01-14-2002	CRF Is Good Technically / Entered into Database	🔒
07-25-2001	Initial Exam Team nn	🔒
08-03-2001	IFW Scan & PACR Auto Security Review	🔒
07-25-2001	Initial Exam Team nn	🔒

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